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Office of the Attorney General
State of Texas

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ATTORNEY GENERAL

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January 12, 1994

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

BY OVERNIGHT MAIL

RE: *In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, RM-7140, RM-7175, RM-7618; TX-ACSEC's Reply to Oppositions to Petition for Reconsideration of Second Report and Order

Dear Commission Secretary:

Enclosed are an original and twelve (12) copies of a Reply to Oppositions of Petition for Reconsideration of the Commission's Second Report and Order in the above-mentioned proceeding, filed by this Office on behalf of the Texas Advisory Commission on Emergency Communications. Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,

W. Scott McCollough
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Amendment of the Commission's)	GEN Docket No. 90-314
Rules to Establish New Personal)	
Communications Services)	RM-7140, RM-7175, RM-7618

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

**BY THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS**

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Respectfully submitted,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Amendment of the Commission's)	GEN Docket No. <u>90-314</u>
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REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC),** by and through **DAN
MORALES**, the Attorney General of Texas, and submits this **REPLY TO
OPPOSITIONS TO PETITION FOR RECONSIDERATION** of the Commission's
Second Report and Order, released October 22, 1993 (FCC 93-451) . This Reply
deals only with those parties that addressed TX-ACSEC's Petition for
Reconsideration.

INTRODUCTION

TX-ACSEC's Petition for Reconsideration requested that:

1. The Commission grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use; and
2. The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard; or,
3. The Commission should immediately initiate a proceeding to address E-9-1-1 and related issues with regard to PCS, cellular and other relevant mobile services.

Two parties, APCO and NENA, responded to TX-ACSEC's Petition and supported the requested relief. MCI opposed singling out PCS, among all mobile services, for unique treatment, but claimed that "[s]tandardization of interfaces to 911

systems and mandatory transmission of position location for emergency purposes should be developed in a manner that does not delay the deployment of PCS or increase the already substantial cost of PCS deployment." MCI Opposition, p. 22. In essence, MCI opposed TX-ACSEC's Points 1 and 2, but supported Point 3. KSI filed comments indicating it does not "object to the imposition of a requirement upon PCS licensees ... to incorporate E-911 capability within their systems" KSI did oppose FCC involvement in standard setting for E-911. KSI Comments, p. 2. Nextel asserted that the Commission "should not impose compatibility standards for PCS" and that there should be no "further regulation in this area." Nextel Opposition, pp. 15-16. Telocator was the most vocal opponent to TX-ACSEC's Petition. Its position is that "E-911 issues should be left to the industry for resolution in conjunction with the states," and E-911 access should be voluntary. Telocator expects that E-911 issues relating to PCS will be relatively uncontentious, and claims that "a mandate for provision of E-911 services is premature, unwarranted and could, in fact, prove to be counterproductive." Telocator Opposition, pp. 13-14. TX-ACSEC herein replies to those parties.

REPLY POINT 1
A RECENT NATIONALLY PUBLICIZED EVENT
TRAGICALLY DEMONSTRATES THE NEED FOR
LOCATION INFORMATION FROM WIRELESS CALLS TO 9-1-1

Attached to this Reply is a reprint of two articles that appeared in the *Austin American Statesman*.¹ They describe an event that occurred in Houston Texas on December 14, 1993. Jeff Alm , a player on the Houston Oilers Football team, was involved in an automobile accident. His best friend, Sean Lynch, was a passenger in the car and was ejected from the car in the accident. Jeff Alm dialed 9-1-1 from the cellular phone in his car to seek emergency assistance. He was unable to give his location, probably because of confusion, shock from the accident and concern for his friend. While the dispatcher attempted to determine the location, Mr. Alm apparently gave up. He then discharged a gun into the air three times ~~ perhaps again to allow someone to determine the location of the accident. Finally, in desperation and sadness, Mr. Awn turned the gun on himself and, firing one last time, committed suicide.

¹ The *Austin American Statesman* is owned by Cox Enterprises, which is an active participant in this and other proceedings before the FCC.

The entire conversation lasted about 1 minute and 50 seconds. Part of it was as follows:

EMS Dispatcher: EMS
Alm: Sean, all you all right?
EMS Dispatcher: Houston Fire and Ambulance. What is your emergency?
Alm: I've had an accident on, uh...
EMS Dispatcher: Go ahead ... Go ahead ... Hello?
Alm: I've had an accident on uh, on 59, uh ...
EMS Dispatcher: Go ahead.
Alm: On 59 north, where 59, uh, meets 610. I have a buddy dying. I have a car, hit the accident ... My buddy ...He ended up on 610. 59 and 610.
EMS Dispatcher: Are you northbound or southbound?
Alm: Uh, 59 where 59 north goes on, uh ...
EMS Dispatcher: 610?
Alm: (Loud sob or moan) Hello?
EMS Dispatcher: Go ahead.
Alm: Hello?
EMS Dispatcher: Go ahead. Where are you sir? Sir? Sir, go ahead. Hello?
Pause, then first of four gunshots. No more conversation occurred.

(The Dispatcher ultimately disconnected and sent an ambulance to the other side of town. A transit officer came upon the scene about 10 minutes later, and called 911 with the proper location.)

If calling party location information had been transmitted from the cellular phone ~~ as it is on landline calls to the Harris County 9-1-1 system ~~ the 9-1-1 operator would have automatically and immediately known where Mr. Alm was, and could have calmed him by telling him that help was on the way. Jeff Alm might be still alive today, if only location information had been delivered on that call.

The Jeff Alm situation, and the transcript of the call, are compelling. The story made the national news only because Mr. Alm was a professional athlete for a well known football team. This could happen to any one of us, however. Indeed, it will be an everyday occurrence if PCS is used as extensively as projected and there is no requirement of location information delivery. All should pray that none of their friends, family or employees are involved in an automobile accident and are for some reason unable to orally communicate their location during a wireless communication.

REPLY POINT 2

**E-9-1-1 IS NOT VOLUNTARILY PROVIDED BY CELLULAR CARRIERS
NATIONWIDE; LOCATION INFORMATION IS ESSENTIAL; AND
A MANDATE IS REQUIRED**

The FCC did not require that cellular systems provide location information at the time it began to authorize the service. To the extent this failure was because the Commission listened to arguments against "further regulation" and for leaving to "the marketplace (or voluntary provision) the task of ensuring the availability of such desirable features as ..." location information (Nextel Opposition, p. 15; Telocator Opposition, p. 13) it should not repeat that error with PCS.

Telocator erroneously claims E-9-1-1 access is voluntarily provided nationwide. Although it is true that most carriers allow a call from a cellular phone to connect to 9-1-1 via the landline network, TX-ACSEC is not aware of any that provide Automatic Number Identification (ANI) or Automatic Location Information (ALI) information. Connecting to a 9-1-1 PSAP without ANI or ALI is not E-9-1-1; it is "Basic" 9-1-1. E-9-1-1 (or "Enhanced" 9-1-1) is service with ANI and/or ALI. Telocator's misunderstanding about this fundamental part of 9-1-1 service shows the meager extent to which the industry ² has even considered or planned to provide 9-1-1 access comparable to that on the landline network. In any event, it is obvious that cellular location information was not available in Houston, and a life was lost as a result.

² Telocator is "the Personal Communications Industry Association." Opposition, p. 1. TX-ACSEC therefore assumes that Telocator's lack of knowledge is common to the industry.

TX-ACSEC is aware of the discussions between Telocator and NENA and APCO, and filed its Petition for Reconsideration in part because of those discussions. Some members of the industry have indicated a reluctance to provide location information. Others may voluntarily provide the information, but there is no guarantee it will not be in "their" format, which may vary among providers, that the data flow will be in a format E-9-1-1 systems can interpret or use.

TX-ACSEC must also disagree with Telocator's characterization of APCO and NENA's "priorities." Location information is important, and the 9-1-1 representatives were ranking location information near the top: Among the items listed by Telocator, call back and PSAP routing are **dependent** on number or location information. In order to route a PCS call to the proper PSAP for emergency response, the caller's location is essential. To return a disconnected call, the calling number must have been transmitted to the PSAP.

REPLY POINT 3
**TX-ACSEC WANTS TO WORK WITH INDUSTRY, BUT INDUSTRY
HAS LITTLE INCENTIVE TO WORK WITH 9-1-1**

Absent an affirmative obligation to provide needed caller information, the industry has no incentive to do what it takes to see that this is done. MCI, for example, has already complained about the potential "cost" of saving lives. MCI Opposition, p. 22. TX-ACSEC merely requests that the FCC impose an obligation as a condition of licensure, and that it recognize the need for a uniform standard. The details and standards development can then be left to "cooperation" between industry and 9-1-1. 9-1-1, however, has little bargaining power; the states may have no power to impose legal requirements given the FCC's announced intention to pre-empt. In such an environment, there is no motivation for the industry to compromise or defer to the desires of 9-1-1 representatives in any respect.

In addition, even if 9-1-1 and Telocator reach agreement, individual members of that association, or others not in the association, would have no legal compulsion to adopt and use that standard. The local PCS providers could use any format, or no format. The different providers in any area may each have their own format. The taxpayers would bear the cost of configuring 9-1-1 systems to interpret the multiplicity of formats in which calling party information was delivered in any given area, if it is delivered at all. This problem is compounded by the fact that 9-1-1 systems cover areas that are likely to be defined differently than the MTAs and BTAs adopted by the FCC for PCS. An 9-1-1 system may have to configure to accept

information from a large number of providers, each with its own format.

TX-ACSEC does not request the FCC to establish a standard: that is what standards bodies are for, and TX-ACSEC supports cooperation between industry and the 9-1-1 community to develop a standard. The request is that the Commission require that a single standard format for information hand-off between all wireless systems and the landline network be developed. Each provider may use any of the location technologies that are developed by the marketplace (such as those mentioned by KSI). The data flow and interface, however, must be uniform once it enters the landline network. Otherwise, each 9-1-1 system will have to constantly configure to accept and interpret a number of different formats. This would be unreasonably costly and potentially put lives at risk.

CONCLUSION

The "marketplace" has not seen fit to provide location information delivery on cellular, and this will likely be repeated with PCS, absent "government regulation." It is important to remember that TX-ACSEC, with the support of several parties, is asking only that the obligation be established: the standards themselves should and can be developed through cooperative working groups. Those standards must then be adopted by the FCC as a formal requirement. There are times when government intervention is justified, and this is one of them, yet TX-ACSEC has fashioned its requested relief to minimize the amount of regulation and maximize cooperative measures to obtain an essential goal.

This work must begin now, but complete industry cooperation is certain only if the FCC imposes the requirements mentioned above. TX-ACSEC again requests that the FCC grant its Petition for Reconsideration and act now to ensure that 9-1-1 can provide emergency assistance from wireless calls, using location information, "when seconds count."

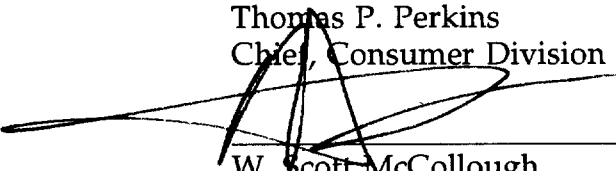
WHEREFORE, PREMISES CONSIDERED, the TEXAS ADVISORY COMMISSION ON STATE EMERGENCY COMMUNICATIONS, respectfully requests that the FCC grant TX-ACSEC's Petition for Reconsideration.

Respectfully submitted,

DAN MORALES
ATTORNEY GENERAL OF TEXAS

Jorge Vega
First Assistant Attorney General

Thomas P. Perkins
Chief, Consumer Division



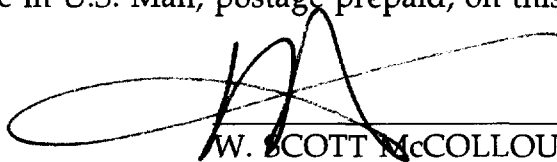
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Counsel for Texas Advisory Commission on State Emergency Communications

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record by depositing same in U.S. Mail, postage prepaid, on this the 12th day of January, 1994.



W. SCOTT McCOLLOUGH
Assistant Texas Attorney General

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